

FILED
BILLINGS, MT

2006 FEB 6 AM 10 34

IN THE UNITED STATES DISTRICT COURT

PATRICK E. DUFFY, CLERK

FOR THE DISTRICT OF MONTANA

BY

DEPUTY CLERK

BUTTE DIVISION

FRONTLINE PROCESSING CORP.,

Plaintiff,

vs.

FIRST STATE BANK OF ELDORADO,
ELDORADO, ILLINOIS,

Defendant.

CV 01-74-BU-RFC

ORDER ADOPTING
FINDINGS AND
RECOMMENDATIONS

FIRST STATE BANK OF ELDORADO,

Counterclaim Plaintiff,

vs.

FRONTLINE PROCESSING CORP.,
LMA UNDERWRITING AGENCY, INC.,
and CHRISTOPHER L. KITTLER,

Counterclaim Defendants,

On November 29, 2005, United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation. Magistrate Judge Anderson recommends First State Bank of Eldorado's Motion for Summary Judgment be granted in part and denied in part; and First State

Bank of Eldorado's Motion for Partial Summary Judgment on Counts VII-IX of the Counterclaim be denied.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). First State Bank of Eldorado filed their objections to Magistrate Judge Anderson's Findings and Recommendations on December 14, 2005, and Frontline Processing responded to the objections on January 20, 2006. First State Bank of Eldorado's objections are not well taken.

After a de novo review, the Court determines the Findings and Recommendation of Magistrate Judge Anderson are well grounded in law and fact and HEREBY ORDERS they be adopted in their entirety.

Accordingly, **IT IS HEREBY ORDERED:**

1. First State Bank of Eldorado's Motion for Summary Judgment on the Amended Complaint [*doc. # 305*] is GRANTED IN PART and DENIED IN PART, as set forth in Magistrate Judge Anderson's Findings and Recommendations.
2. First State Bank of Eldorado's Motion for Partial Summary Judgment on Counts VII-IX of the Counterclaim [*doc. #306*] is DENIED.

The Clerk of Court shall notify the parties of the making of this Order.

Dated this 6 day of February, 2006.

CERTIFICATE OF MAILING


DATE: 2/6/06 BY: _____

I hereby certify that a copy of this order was mailed to:

H. Pierce, J. Over, B. Wilson

M. Parker, C. Heitz

W. Sloane, H. Makin, S. Izadpanah


Richard F. Cebul
United States District Court Judge